

REMARKS

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-14 were pending in the present application. Claims 3-4 and 8-11 have been cancelled without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents. Claim 12 has been amended to correct dependency in view of the cancelled claims. No new matter has been introduced.

II. ELECTION OF SPECIES REQUIREMENT

The January 5, 2009 Office Action called for election of species as follows:

1. The Examiner requires that Applicants elect one disease and refers Applicants to claims 2-3 and 8.

Applicants provisionally elect, *for search purposes only*, angiodependent diseases that also present a reduction of apoptosis. Claims 1-2, 5-7, and 12-14 are readable thereon.

Applicants reserve the right to file a divisional application, if necessary, to proceed with the examination of claims directed to one or more of the non-elected species.

Claim 1 is generic to all elected species. Applicants understand that, upon the allowance of a generic claim, claims to additional species will be considered, as provided by 37 C.F.R. § 1.141. Applicants also understand that the Examiner can broaden the search to include other species, e.g., upon determining that a species is allowable, or when there is a relationship among the species and/or the number of species is not too great.

CONCLUSION

Early and favorable consideration of the application on the merits, and early Allowance of the application are earnestly solicited.

The Commissioner is authorized to charge any fee occasioned by this paper, or credit any overpayment in fees, to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in cursive script, appearing to read 'Sandra Kuzmich', is written over a horizontal line.

Sandra Kuzmich, Ph.D.

Reg. No. 46,117

Kathleen N. Ehrhard, Ph.D.

Reg. No. 55,144

Tel.: (212) 588-0800